



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 8454-98

19 April 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting that he be credited with additional retirement points.

2. The Board, consisting of Mr. Pfeiffer, Mr. Chapman and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 18 April 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner reenlisted in the Naval Reserve for six years on 21 June 1987. On 8 March 1988 he transferred to the Individual Ready Reserve (IRR). At the end of his anniversary year on 9 August 1988 he was credited with 26 years, 3 months and 14 days of qualifying service for reserve retirement. He then had three consecutive years in which he did not earn any retirement points. On 1 February 1992 he was transferred to the Inactive Status List (ISL). Individuals on the ISL cannot be credited with any retirement points.

d. Petitioner reenlisted in the Naval Reserve for six years on 8 May 1993. In 1993 he began completing correspondence

courses and was issued course completion letters which are filed in his service record. The letters show that he was to be credited with 33, 39 and 31 retirement points in the anniversary years ending 9 August 1993, 1994 and 1995, respectively. As indicated he can not be credited with these points because of his transfer to the ISL. Petitioner transferred to the Retired Reserve on 30 September 1996 and on 5 November 1998 he reached age 60 and began to receive his retired pay.

e. Petitioner states that when he completed the correspondence courses, he assumed that he was still in the IRR and could earn retirement points. He points out that the correspondence he received from the Naval Reserve Personnel Center concerning his reenlistment on 8 May 1993 indicated he was still in the IRR.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that Petitioner was unaware of his transfer to the ISL and completed the correspondence courses with the expectation of receiving retirement point credit. The Board notes that Petitioner submitted multiple correspondence courses over several years and that no one ever informed him that he would not receive credit for them. The Board is aware that additional retirement points will result in an increase in his retired pay. Given the circumstances, the Board concludes that the retirement point record should be corrected by crediting him with the additional retirement points from the correspondence courses. The Board believes that the ISL issue can be avoided by crediting him with 33, 39 and 31 retirement points from correspondence courses in the anniversary years ending 9 August 1989, 1990 and 1991, all of which occurred prior to his transfer to the ISL.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the crediting of the additional retirement points.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was credited with 33, 39 and 31 retirement points from correspondence courses in the anniversary years ending 9 August 1989, 1990 and 1991, respectively.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director